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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,930	12/14/2000	Naomi Noda	WATK:205	5806

7590 08/01/2002

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Alexandria, VA 22314-2805

EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754


DATE MAILED: 08/01/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

ACT

# Office Action Summary

Application No. <b>09/735,930</b>	Applicant(s) <b>Noda et al.</b>	
Examiner <b>Cam Nguyen</b>	Art Unit <b>1754</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 14, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>3</u> | 6) <input type="checkbox"/> Other:  |

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 2 & 3 are objected to because of the following informalities:
  - A. In claim 2, line 5, it is suggested changing "at least one kind of substances" to --at least one member--.
  - B. In claim 3, line 2-3, it is suggested changing "at least one kind of noble metals" to --at least one member of the noble metals--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102(e)***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindner et al., "hereinafter Lindner", (U.S Pat. 6,348,430 B1).

Lindner discloses an exhaust gas catalyst containing two catalytically active layers on a carrier structure: the first layer applied to the carrier structure containing several finely divided solids, one or more highly dispersed alkaline earth metal oxides and at least one platinum group metal, wherein the finely divided solids consists of at least one finely divided oxygen-storing material and at least one other finely component and the platinum group metals are in close contact with all of the constituents in the first layer (see col. 4, ln 26-34); the second layer also contains several finely divided solids and at least one platinum group metal, wherein the finely divided solids in this second layer comprise at least one finely divided oxygen-storing material and at least one other finely divided component and only a portion of these finely divided solids in the second layer is used as support for the platinum group metals in the second layer (see col. 4, ln 48-60). The platinum group metals form the catalytically active components in the catalyst including platinum, palladium, rhodium, osmium, and iridium (see col. 4, ln 36-39). The finely divided components may be oxides of alkaline earth metal, oxides of scandium, yttrium, gallium, indium, silicon, titanium, zirconium, hafnium, germanium, tin, lead, vanadium, niobium, tantalum, chromium, molybdenum, and tungsten (see col. 5, ln 1-5). The carrier structure is taught to be a monolithic honeycomb carrier structure which can be made from cordierite (see col. 1, ln 42-50).

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Regarding claim 4, applicants claiming “the substance is contained in the carrier” is noted. It is considered the claim is met by the teaching of the reference because Lindner teaches that the second layer comprises at least one finely divided oxygen-storing material and at least one other finely divided component and only a portion of these finely divided solids in the second layer is used as support for the platinum group metals in the second layer (see Lindner at col. 4, ln 48-60), wherein the finely divided components disclosed including gallium, silicon, titanium, zirconium, germanium, tin, vanadium, chromium, molybdenum, and tungsten that applicants claiming (see Lindner at col. 5, ln 1-5). Thus, Lindner teaches the finely divided solids (or the claimed substance) contained in the carrier.

Regarding claim 5, applicants claiming “the substance is contained in the catalyst layer” is noted. The claim is met by the teaching of the reference because Lindner teaches both the first catalyst layer and the second catalyst layer contain the finely divided solids (or the claimed substance) (see Lindner at col. 4, ln 26-34 & col. 4, ln 48-60).

Regarding claim 6, applicants claiming “a layer of a the substance is formed between the carrier and the catalyst layer” is also noted. It is considered the claim is met by the teaching of the reference since Lindner teaches a carrier comprising a first catalyst layer and a second catalyst layer, wherein both layers contain the finely divided solids (see Lindner at col. 4, ln 26-34 & col. 4, ln 48-60). Since the first catalyst layer contains the finely divided solids (or the claimed substance) is between the carrier structure and the second catalyst layer, it meets the claimed limitation.

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Lindner teaches the claimed catalyst body, thus anticipates the claims.

### ***Citations***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yagi et al. (U.S Pat. 6,376,423 B2), Yamashita et al. (U.S Pat. 6,372,688 B1), Chen et al. (U.S Pat. 6,303,536 B1), Deeba et al. (U.S Pat. 6,375,910 B1), Yamaguchi et al. (U.S Pat. 6,228,800 B1), Mussmann et al. (U.S Pat. 6,294,140 B1), Tsuji (U.S Pat. 6,251,820 B1), Okumura et al. (U.S Pat. 6,214,307 B1), Naito et al. (U.S Pat. 6,174,835 B1), Suzuki et al. (U.S Pat. 6,159,897), & Ikeda et al. (U.S Pat. 6,165,429) are cited for related art.

### ***Conclusion***

6. Claims 1-8 are pending in the application. Claims 1-8 are rejected. No claims are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (703) 305-3923. The examiner can normally be reached on M-F from 8:30 am. to 6:00 pm, with alternative Monday off.

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The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (before finals) and (703) 872-9311 (after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nguyen/cnn *CNN*  
July 24, 2002

  
Cam Nguyen  
Patent Examiner